

AFB2173

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

#19

In re application of

Docket No: CA1005

Terry BLEIZEFFER, et al.

Appln. No.: 09/058,170

Group Art Unit: 2173

Confirmation No.: 7179

Examiner: C. Thai

RECEIVED

DEC 19 2002

Technology Center 2100

Filed: April 10, 1998

For: METHOD AND APPARATUS FOR SETTING PARAMETERS IN A SYSTEM

REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193(b)

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

In accordance with the provisions of 37 C.F.R. § 1.193(b), Appellant respectfully submits this Reply Brief to address points raised by the Examiner's Answer of October 11, 2002. Entry of this Reply Brief is respectfully requested.

Appellant respectfully disagrees with the interpretation the Examiner places on the cited prior art, Benton and Paterson. Benton describes an automated control/monitoring system in which the system includes a database for the devices being controlled or monitored. The database contains parameters associated with each physical device being monitored or controlled. Such parameters may represent levels in a tank, temperature or pressure of a fluid, an indication whether a switch is in an on or an off state, or the position of a valve. The database also includes a graphical representation of the physical device and its parameters for display to the user. Benton includes an editor to create, edit and manager the database. See, Benton, Fig. 4.

PATENT APPLICATION

REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193(b)
U.S. Application No. 09/058,170

Paterson describes a method for providing access to object parameters of a simulation model. A simulation model, as used by Paterson, is a computer program used to perform “what-if” analysis of systems to optimize performance and to identify problems. A simulation model typically identifies various objects within the system that are represented by variable, equations, or both, and may include a graphical user interface (GUI).

In each of Benton and Paterson, a program operates on data to achieve a specific result. In Benton, it is monitoring or controlling a physical process; in Paterson, it is modeling a real-life system under a variety of conditions. Each also has an editor to create and modify the data. *See*, Benton, Fig. 4 and Paterson, Fig. 5.

Both Benton and Paterson differ from the present invention as recited in the claims of Issue 1. The present invention operates on a program, not data, and in operating on the program, the invention recites a method for reviewing and changing parameters of the program. Both Benton and Paterson teach methods for changing data, not for changing the program. The Examiner’s own citation to Benton (Examiner’s Answer, pp. 12-13) bears this out.

The Examiner’s definition of a parameter (Examiner’s Answer, p. 13) does not fully address Appellant’s point that the claims recite parameter reviewing and changing in the context of operating on a program. To support his argument, the Examiner relies upon MCUI 300 (Monitoring/Control User Interface) to show that the process graphic editor 52 can create, modify, and delete graphic process files. *See*, Examiner’s Answer, p. 13, last paragraph. The graphic process files are not programs. They are data.

PATENT APPLICATION

REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193(b)
U.S. Application No. 09/058,170

Pursuant to the foregoing, Appellant maintains that the Examiner has failed to sustain a *prima facie* case of obviousness.

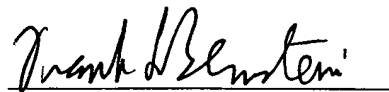
Regarding the remaining claims of Issue 2 (the Examiner now having allowed most of those claims), the Examiner relies upon Massaro to teach or suggest at least two interaction path options, a first one of the interaction path options being a non-expert path and a second one of the interaction path options being an expert path. Massaro describes a system wherein, according to user profiles, a user is provided with a different predetermined level of interaction when using each different application program. *See*, Massaro, Fig. 2. The claimed non-expert path leads a user in a step-by-step process to accomplish program tasks, whereas the expert path allows a user to perform any or all the tasks in any chosen sequence. *See*, App., p. 14, lines 21 *et seq.* Massaro is limited to providing a level of detailed interaction according to a user profile. Massaro does not teach or suggest a step-by-step process, but only a varying level of interaction with a program. *See*, Massaro, col. 3, lines 63 *et seq.* Therefore, Appellant submits that claims 2, 14, 26, and 38 are patentable.

PATENT APPLICATION

REPLY BRIEF PURSUANT TO 37 C.F.R. § 1.193(b)
U.S. Application No. 09/058,170

For the above reasons as well as the reasons set forth in Appellant's Brief on Appeal, Appellant respectfully requests that the Board reverse the Examiner's rejections of all claims on Appeal. An early and favorable decision on the merits of this Appeal is respectfully requested.

Respectfully submitted,



Frank L. Bernstein
Registration No. 31,484

SUGHRUE MION, PLLC
1010 El Camino Real, Suite 300
Menlo Park, CA 94025

Tel: (650) 325-5800
Fax: (650) 325-6606



23493

PATENT TRADEMARK OFFICE

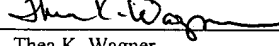
Date: December 11, 2002

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Date: December 11, 2002

Signed: 
Thea K. Wagner